

## DIVISION OF WATER POLLUTION CONTROL

NPDES Permit No. TN0029718  
Lynwood U.C. STP  
Notice of Determination  
November 19, 2003

The Lynwood Sewage Treatment Plant (STP) is authorized, via an NPDES permit, to discharge treated municipal wastewater to the Harpeth River at mile 77.9. On July 15, 2002, the division reissued NPDES permit number TN0029718 to Lynwood for the previously mentioned discharge. Lynwood subsequently appealed certain provisions of that permit. The Lumsden Bend Property Owners, because of their standing as a party in the state's ongoing litigation against Lynwood for permit violations, were allowed to intervene in the permit appeal. On April 15, 2003, the division provided public notice that the NPDES permit for the Lynwood STP would be modified to incorporate provisions of an agreed order between Lynwood, TDEC and the Lumsden Bend Property Owners and to resolve Lynwood's appeal of its July 15, 2002, permit. A member of the public requested that the division hold a public hearing on the proposed permit modification. Correspondingly, the division announced on August 11, 2003, that a hearing would be held on September 16, 2003. This Notice of Determination (NOD) serves as the division's response to the comments expressed at the public hearing and during the subsequent comment period.

1. COMMENT: TDEC should more closely monitor Lynwood and aggressively enforce the permit. The state's enforcement of Lynwood's permit has been ineffective.

RESPONSE: The NPDES permit program combines self-monitoring by permittees with oversight by the regulatory agency that involves review of monitoring data and periodic on-site sampling and inspection. Because of Lynwood's compliance history, the state filed a complaint against them in chancery court. The court ordered that Lynwood comply with its permit (except for those provisions under appeal). Should Lynwood fail to do so, the utility company could be held in contempt of court. Since the court action, Lynwood has been in compliance with all provisions of its permit with the exception of total nitrogen.

2. COMMENT: A complete moratorium should remain until the plant complies with its nitrogen limit. 70 taps could be added prior to all permit limits being met.

RESPONSE: The intent of the moratorium in the July 15, 2002, permit was to insure proper operation and maintenance of the Lynwood STP and to drive the installation of nitrogen removal equipment. The agreed order included a specific schedule for design and installation of the nitrogen removal equipment. As mentioned in item 1 above, Lynwood has demonstrated compliance with all permit parameters except for total nitrogen and has met or exceeded the deadlines set forth in the agreed order. Therefore, the division believes that the staggered lifting of the moratorium is both protective and appropriate.

3. COMMENT: Can the plant operate at its design capacity and still meet limits?

RESPONSE: The plant is designed to meet its permit limits at a flow of 400,000 gpd.

4. COMMENT: Several commenters requested that the reserve capacity remain in the permit for those subdivisions with failing septic tanks.

RESPONSE: The division retained the language addressing reserve capacity.

The division's decision on this matter is to modify the NPDES permit to Lynwood Utility Corporation to incorporate the provisions of the agreed order between Lynwood, TDEC and the Lumsden Bend Property Owners. This action will resolve Lynwood's appeal of the July 15, 2002 NPDES permit.

DATE

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11/19/03



Saya Ann Qualls, P.E.  
Manager, Permit Section